

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

T.C., individually, and on behalf of S.K., a minor,

Plaintiff,

23-cv-1887 (ER)(GWG)

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant,

X

PROPOSED ORDER

THIS MATTER comes before the Court on Plaintiff's motion for a preliminary injunction.

For the reasons stated on the record at the hearing held on March 17, 2023, the Court hereby grants Plaintiff interim relief as set forth herein. It is hereby

ORDERED that the Defendant shall fund, on a month-to-month basis, S.K.'s placement at Innercept, LLC ("Innercept") at a rate of \$600/day from the date that this action was commenced, March 6, 2023, until the earlier of: (i) the parties reach a settlement on plaintiff's request for funding at Innercept for the current school year; (ii) a Finding of Facts and Decision is issued in Impartial Hearing Case No. 237837 (the "Administrative Proceeding"); or (iii) the current school year ends on June 30, 2023.

ORDERED that Plaintiff shall provide Defendant New York City Department of Education the following documents for the purpose of issuing payment to Innercept: (i) Affidavit from Innercept identifying the period of S.K.'s enrollment, as well as any costs and balance; (ii)

signed contract between Plaintiff and Innercept; (iii) S.K.'s Attendance records from her date of her enrollment at Intercept and going forward on a monthly basis; (iv) monthly invoice and/or itemized invoice from Innercept relating to S.K.'s enrollment thereto; and (v) an IRS Form Substitute W-9 from Innercept.

ORDERED that Plaintiff shall respond as expeditiously as possible to any document and/or information request from the Defendant, including but not limited to those set forth in Defendant's letter to the Court dated March 13, 2023 (dkt. no. 18);

ORDERED that Defendant shall review such documents with regard to Innercept generally, and S.K. specifically, and, based on such review, inform Plaintiff whether Defendant will be able to engage in good faith settlement negotiations concerning Plaintiff's claims related to S.K.'s placement at Innercept raised in the Administrative Proceeding and the instant matter;

ORDERED that the requirement under Rule 65(c) that a bond be posted is waived.

ORDERED that the Parties provide the Court monthly status reports on concerning the status of settlement discussions and the Administrative Proceeding, commencing on April 17, 2023.



EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE
April 5, 2023